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PTO/SB/21 (09-04)

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<h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>	Application Number	10/680,705-Conf. #2638
	Filing Date	October 7, 2003
	First Named Inventor	Gregory B. Altshuler
	Art Unit	3739
	Examiner Name	Farah, Ahmed M.
Total Number of Pages in This Submission	Attorney Docket Number	105090-0194

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. PTO Form PTO/SB/08a; 2. Copies of Foreign Patent Documents (13) and Non Patent Literature Documents (1); and 3. Return Postcard
<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> Remarks </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	NUTTER MCCLENNEN & FISH LLP		
Signature			
Printed name	Deborah A. Miller		
Date	July 5, 2005	Reg. No.	53,328

Transmittal	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
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Dated: July 5, 2005

Signature: Deborah A. Miller

(Deborah A. Miller)

Docket No.: 105090-194

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Gregory Altshuler et al.

Application No.: 10/680,705

Confirmation No.: 2638

Filed: October 7, 2003

Art Unit: 3739

For: Methods And Apparatus for Performing
Photobiostimulation

Examiner: Farah, Ahmed M.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08A. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. In accordance with §1.97(b), this statement is being filed before the mailing of a first Office Action.

Applicants have not submitted copies of each cited U.S. patent and each U.S. patent application as required by 37 C.F.R. 1.98 (a)(2)(i) since the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. Applicants submit herewith a copy of each foreign patent and non-patent literature reference in accordance with 37 CFR §1.98(a)(2).

The Applicants hereby make the following additional information of record in the above-identified application.

<u>Application No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
11/028,469	December 31, 2004	G. Altshuler et al.
11/028,481	December 31, 2004	G. Altshuler et al.
11/093,693	March 30, 2005	G. Altshuler et al.
11/090,896	March 25, 2005	G. Altshuler et al.
11/091,270	March 28, 2005	Inochkin et al.

In accordance with 37 CFR 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56 (b) or prior art to this invention.

It is submitted that the Supplemental Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Reference No. 105090-194. A duplicate copy of this paper is enclosed.

Dated: July 5, 2005

Respectfully submitted,

By 

Deborah A. Miller

Registration No.: 53,328

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PTO/SB/08a/b (08-03)

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Complete if Known		
			Application Number	10/680,705	
			Filing Date	October 7, 2003	
			First Named Inventor	Gregory B. Altshuler	
			Art Unit	3739	
			Examiner Name	Farah, Ahmed M.	
Sheet	1	of	4	Attorney Docket Number	105090-194

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. 1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1	Re, 38,670	12/14/2004	Asah et al.	
	2	Des. 424,197	05/02/2000	Sydowski et al.	
	3	1,706,161	03/19/1929	H.P. Hollnagel (Pre Exam)	
	4	2,472,385	06/07/1949	Rollman	
	5	3,486,070	12/23/1969	Engel	
	6	3,846,811	11/05/1974	Nakamura et al.	
	7	3,857,015	12/24/1974	Clark et al.	
	8	4,275,335	06/23/1981	Ishida	
	9	4,456,872	06/26/1984	Froeschle	
	10	4,525,289	06/18/1985	Hammond et al.	
	11	4,591,762	05/27/1986	Nakamura	
	12	4,745,909	05/24/1988	Pelton et al.	
	13	4,749,913	06/07/1988	Stuermer et al.	
	14	4,884,560	12/05/1998	Kuracina	
	15	4,928,038	05/22/1990	Nerone	
	16	5,127,395	07/07/1992	Bontemps	
	17	5,267,399	12/07/1993	Johnston	
	18	5,458,140	10/17/1995	Eppstein et al.	
	19	5,531,740	07/02/1996	Black	
	20	5,549,660	08/27/1996	Mendes , et al.	
	21	5,660,836	08/26/1997	Knowlton	
	22	5,742,392	04/21/1998	Anderson et al.	
	23	5,769,076	06/23/1998	Mackawa et al.	
	24	5,722,397	03/03/1998	Eppstein	
	25	5,814,040	09/29/1998	Nelson et al.	
	26	5,836,877	11/17/1998	Zavislan	
	27	5,851,181	12/22/1998	Talmor	
	28	5,860,967	01/19/1999	Zavislan et al.	
	29	5,868,731	02/09/1999	Budnik et al.	
	30	5,883,471	03/16/1999	Rodman et al.	
	31	5,913,883	06/22/1999	Alexander et al.	
	32	5,949,222	09/07/1999	Buono	
	33	5,977,723	11/02/1999	Yoon	
	34	6,022,316	02/08/2000	Eppstein et al.	
	35	6,026,828	02/22/2000	Altshuler	
	36	6,030,399	02/29/2000	Ignatz et al.	
	37	6,032,071	02/29/2000	Binder	
	38	6,086,580	07/11/2000	Mordon, et al.	
	39	6,117,129	09/12/2000	Mukai	
	40	6,142,939	11/07/2000	Eppstein et al.	
	41	6,162,211	12/19/2000	Tankovich et al.	
	42	6,162,212	12/19/2000	Kreindel, et al.	
	43	6,173,202 B1	01/09/2001	Eppstein et al.	

Examiner Signature		Date Considered	
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				Examiner Name	Farah, Ahmed M.
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44	6,183,434 B1	02/06/2001	Eppstein	
45	6,183,500	02/06/2001	Kohler	
46	6,183,773	02/06/2001	Anderson	
47	6,210,425	04/03/2001	Chen	
48	6,229,831	05/08/2001	Nightingale et al.	
49	6,236,891	05/22/2001	Ingel et al.	
50	6,263,233 B1	07/17/2001	Zavislan et al.	
51	6,264,649 B1	07/24/2001	Whitcroft et al.	
52	6,290,713	09/18/2001	Russell	
53	6,340,495	01/22/2002	Sumian , et al.	
54	6,350,276	02/26/2002	Knowlton	
55	6,358,272	03/19/2002	Wilden	
56	6,383,177 B1	05/07/2002	Balle-Petersen et al.	
57	6,387,089	05/14/2002	Kreindel , et al.	
58	6,402,739	06/11/2002	Neev	
59	6,406,474 B1	06/18/2002	Neuberger et al.	
60	6,424,852	07/23/2002	Zavislan	
61	6,436,094	08/20/2002	Reuter	
62	6,508,785	01/21/2003	Eppstein	
63	6,514,242	02/04/2003	Vasily et al.	
64	6,514,243	02/04/2003	Eckhouse et al.	
65	6,530,915 B1	03/11/2003	Eppstein et al.	
66	6,537,270 B1	03/25/2003	Elbrecht et al.	
67	6,558,372	05/06/2003	Altshuler	
68	6,602,245 B1	08/05/2003	Thiberg	
69	6,629,971	10/07/2003	McDaniel	
70	6,632,219	10/14/2003	Baranov et al.	
71	6,653,618	11/25/2003	H. Zenzie	
72	6,660,000 B2	12/09/2003	Neuberger et al.	
73	6,663,620	12/16/2003	Altshuler et al.	
74	6,676,654 B1	01/13/2004	Balle-Petersen et al.	
75	6,679,837 B2	01/20/2004	Daikuzono	
76	6,685,699 B1	02/03/2004	Eppstein et al.	
77	6,689,124 B1	02/10/2004	Thiberg	
78	6,709,269	03/23/2004	Altshuler	
79	6,723,090	04/20/2004	Altshuler et al.	
80	6,743,222	06/01/2004	Durkin et al.	
81	6,790,205	09/14/2004	Yamazaki , et al.	
82	6,808,532 B2	10/26/2004	Anderson et al.	
83	6,878,144	04/12/2005	Altshuler et al.	
84	6,888,319	05/03/2005	Inochkin , et al.	
85	US2001/0041886	11/15/2001	Durkin et al.	
86	US2002/0123745 A1	09/05/2002	Svaasand et al.	
87	US2002/0128635	09/12/2002	Altshuler et al.	
88	US2002/0161357	10/31/2002	Anderson	
89	US2002/0173780	11/21/2002	Altshuler et al.	
90	US2002/0091377	07/11/2002	Anderson	

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				Art Unit	3739
				Examiner Name	Farah, Ahmed M.
Sheet	3	of	4	Attorney Docket Number	105090-194

91	US2002/0005475	01/17/2002	Zenzie	
92	US2003/0023283	01/30/2003	McDaniel	
93	US2003/0032900	02/13/2003	S. Ella	
94	US2003/0036680 A1	02/20/2003	Black	
95	US2003/0065314	04/03/2003	Altshuler et al.	
96	US2003/0055414	03/20/2003	Altshuler et al.	
97	US2003/0057875	03/27/2003	Inochkin et al.	
98	US2003/0032950	02/13/2003	Altshuler et al.	
99	US2003/0100936	05/29/2003	Altshuler et al.	
100	US2003/0109787	06/12/2003	Black	
101	US2003/0109860	06/12/2003	Black	
102	US2003/0129154	07/10/2003	McDaniel	
103	US2003/0195494	10/16/2003	Altshuler et al.	
104	US2003/0199859	10/23/2003	Altshuler et al.	
105	US2003/0232303	12/18/2003	Black	
106	US2004/0006332 A1	01/08/2004	Black	
107	US2004/0010298	01/15/2004	Altshuler et al.	
108	US2004/0015158	01/22/2004	Vasily	
109	US2004/0024388	02/05/2004	Altshuler	
110	US2004/0030326	02/12/2004	Altshuler et al.	
111	US2004/0034319	02/19/2004	Anderson et al.	
112	US2004/0034341	02/19/2004	Altshuler et al.	
113	US2004/0073079	04/15/2004	Altshuler et al.	
114	US2004/0085026	05/06/2004	Inochkin et al.	
115	US2004/0093042	05/13/2004	Altshuler et al.	
116	US2004/0133251	07/08/2004	Altshuler et al.	
117	US2004/0147984	07/29/2004	Altshuler et al.	
118	US2004/0162596	08/19/2004	Altshuler et al.	
119	US2004/0162549	08/19/2004	Altshuler et al.	
120	US2004/0191729	09/30/2004	Altshuler et al.	
121	US2004/0193235	09/30/2004	Altshuler et al.	
122	US2004/0193236	09/30/2004	Altshuler et al.	
123	US2004/0199227	10/07/2004	Altshuler et al.	
124	US2004/0204745	10/14/2004	Altshuler et al.	
125	US2004/0210276	10/21/2004	Altshuler et al.	
126	US2004/0214132	10/28/2004	Altshuler et al.	
127	US2004/0225339	11/11/2004	Yaroslvasky et al.	
128	US2004/0230258	11/18/2004	Altshuler et al.	
129	US2004/0082940	04/29/2004	Black et al.	
130	US2004/0085026	05/06/2004	Inochkin et al.	
131	US2005/0038418	02/17/2005	Altshuler et al.	
132	US2005/0049582	03/03/2005	DeBenedictis et al.	
133	US2005/0049658 A1	03/03/2005	Connors et al.	
134	US2005/0107849	05/19/2005	Altshuler, et al.	

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Sheet	4	of	4	Attorney Docket Number	105090-194

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ² -Number ³ -Kind Code ⁴ (if known)				
	135	DE 9102407	07/11/1991	Mink		
	136	EP 0885629	12/23/1998	Danish Dermatologic Dev.		
	137	EP 1226787	07/31/2002	Laserwave SRL		
	138	EP 1 457 234 A2	09/15/2004	Photo Therapeutics Limited		
	139	JP 2001145520	05/29/2001	Sharion		
	140	JP 2003192809	02/01/2005	Yamazaki		
	141	WO 00/43070	07/27/2000	Zhu Jilin		
	142	WO 01/26573	04/19/2001	Coherent Inc.		
	143	WO 01/42671	06/14/2001	Gorgens		
	144	WO 04/073537	09/02/2004	Palomar Medical Technologies, Inc.		
	145	WO 04/084752	10/07/2004	Palomar Medical Technologies, Inc.		
	146	WO 04/086947 A2	10/14/2004	General Hospital		
	147	WO 05/007003 A1	01/27/2005	Reliant Technologies, Inc.		

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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	148	Ohshiro et al., "The Ruby and Argon Lasers in the Treatment of the Naevi," Annals Academy of Medicine, April 1983, Vol. 12, No. 2, pp 388-395	

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